

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Page No: 1

Case No.: 09-03570
Case Name: BUCKS COUNTY ONCOPLASTIC INSTITUTE
For the Period Ending: 10/12/2021

Trustee Name: Eva M. Lemeh
Date Filed (f) or Converted (c): 03/30/2009 (f)
\$341(a) Meeting Date: 05/06/2009
Claims Bar Date: 05/15/2020

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Value	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA =§ 554(a) abandon.	Sales/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					
1	PREFERENCES	\$1,316,681.16	\$1,300,000.00		\$144,500.00 FA
2	BANK ACCTS	\$12,443.97	\$49,350.54		\$49,350.54 FA
3	SECURITY DEPOSITS-lease and prepaid expenses	\$156,668.95	\$0.00		\$0.00 FA
4	ACCT RECV (split with asset 5 to distinguish collectable a/r from non-collectable - these a/r secured by Siemens)	\$1,422,675.50	\$0.00		\$0.00 FA
5	4 ACCOUNTS RECV (most are secured by Siemans-see asset #4; re: 4 a/r recd 4.1.11 Siemens does not have a lien on these according to dsi who contacted Siemens.)	\$3,633.55	\$3,633.55		\$3,663.55 FA
6	EQUIPMENT, FURNISHINGS	\$651,209.00	\$0.00	OA	\$0.00 FA
7	MACHINERY	\$11,080,864.00	\$0.00	OA	\$0.00 FA
8	INVENTORY	\$388,801.01	\$0.00		\$0.00 FA
9	LEASEHOLD IMPROVEMENTS	\$132,226.00	\$0.00		\$0.00 FA
10	Medical equipment and supplies	\$0.00	\$90,875.00		\$90,875.00 FA
11	LIFE INS POLICY	\$0.00	\$0.00		\$0.00 FA
12	Claim for Fraudulent conveyance in Delaware (u) DSI case-amount includes total unsecured claims, admin fees and expenses and interest to pay estate in full	Unknown	\$260,000,000.00		\$27,190,298.27 FA
Asset Notes: DSI litigation settled via mediation for 52,000,000; amended claim in Delaware bankruptcy					
INT	Interest Earned (u)	Unknown	Unknown		\$1,720.86 FA

TOTALS (Excluding unknown value)

\$15,165,203.14 \$261,443,859.09

\$27,480,408.22

Gross Value of Remaining Assets

\$0.00

Major Activities affecting case closing:

10/01/2021 emailed d houston to report to dsi on claims without docs claims 10118 and 52; will prepare an omnibus objection and demand for production and

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09/23/2021	emails with d houston re: requesting docs we need for poc 49-3 to make sure all equipment liquidated and if not how much to reduce the claim by; will have conf call tomorrow at 11am-empl				
09/17/2021	emailed atty houston-Pioneer claims 48 and 49 appear to be satisfactory since the leases were for equipment; they terminated the leases then sold the equipment; the claim shows the sales price and reduces the claim in that amount; the claim includes the balance due on each lease less price received for sale after termination of the lease along with penalties-empl				
09/16/2021	attorney Houston researching if I allowed and paid under tfr if I am estoppel from objecting now to pioneer's claim (purchased from siemens); we believe pioneer sold leased equipment and did not amend its claim; if so, will object to pioneers claim-empl				
09/14/2021	tcw patton hahn-answered my questions; review email from han; tcw atty houston; finalize motion for interim distribution send to atty houston to file-empl				
09/13/2021	reviewed Pioneer's memo; emailed Patton Hahn for MPT responses; conf call with houston tomorrow to discuss; if MPT needs to reduce they will amend claim and if no other claims need to be objected to, I will file motion for interim distribution-empl				
09/10/2021	picked up check from p young's office; deposited check; paid bond premium-empl				
09/10/2021	will review claims and if no more to object to will finalize motion for interim distribution (spoke to d houston-he will review MPT claim and we will discuss on monday)-empl				
09/09/2021	reviewed responses to interogs with atty houston-empl				
09/09/2021	Trustee Lemeh's deposition by Pioneer set for 09/28/21-empl				
09/08/2021	email from Delaware counsel that money will be overnighted tomorrow for friday delivery to p young's office (that is what is on the poc) and DSI claim in Bucks County will be withdrawn tomorrow-empl				
09/08/2021	emailed Delaware trustee for ETA on check being delivered; emailed Delaware counsel for ETA on when DSI claim would be withdrawn-empl				
09/08/2021	email from bank rep for eta on when check will be sent-empl				
09/02/2021	reviewed D houston's motion to employ and he filed it; emailed him to see if he wants to review the motion for interim distribution and my answers to interogs right now or wait-empl				
09/02/2021	emailed d houston drafts of my responses to pioneer's interogs and my motion for interim distribution-empl				
09/01/2021	email from pinnacle-required to leave \$2,000,000 in checking (best deal I could negotiate with bank to keep bank fees as low as i could; it is the best deal to make sure the bank does not bear the costs to collateralize that large of a deposit) -empl				
09/01/2021	worked on responses to interogs and motion for interim disbursement-empl				
08/31/2021	worked on responses to interogs-empl				
08/27/2021	The DE trustee has filed his objections, including the ones we asked him to file.-empl				
08/27/2021	will hire counsel to assist me in case to get it to closing since pioneer objected to p young's fee; because of objection will not ask him to perform any further legal work until objection is resolved-empl				
08/27/2021	since fee objection hearing has turned into a full blown evidentiary hearing and may not be resolved in 2021, once receive money from delaware trustee, will review claims and if none to object to will prepare and file a motion for an interim disbursement so i can reduce the fees charged in this case since they will be 1,000's per month-empl				
08/25/2021	working on interim distribution; spoke to t niarhos to let him know i would be filing it since bank fees will be thousands each month-empl				
08/19/2021	hearing on objection to fees scheduled for tues 08/24/21-will be via zoom or continued so we can have evidentiary hearing-empl				
08/16/2021	conf call with shane ramsey and p young re-objection to attys fees and mpt claim-empl				
08/12/2021	order was signed in delaware case today; we amended our claim in delaware case and mpt will withdraw its claim in the delaware case and amend it in this case-empl				
08/12/2021	bond being overnighted, will pay premium once money comes into case-empl				

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08/09/2021	08/17/21 -deadline for objection to fee app-eml				
08/09/2021	08/27/21-deadline to object to dissallowed claims-eml				
07/21/2021	Five claims that were filed in delaware case and in this case have already received a partial distribution in our case (back in 2010). p young emailed delaware trustee's atty to request they object to those five as duplicates since they have already been allowed, and partially paid, in our case. He will discuss with the delaware trustee-it won't change the stipulation or the motion....it would just add to the number of claim objections that the delaware trustee, should he agree with trustee lemeh-eml				
07/21/2021	P YOUNG WILL file a motion to disallow claims 13 and 60 as duplicates of claims filed and paid in the delaware case-eml				

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07/16/2021 p young's analysis of amended MPT POC:

Eva,

I have now had an opportunity to review MPT's claim. I do not find anything objectionable about the claim. In this email, I will address each category of damages and the support for such damages.

1) Post-petition rent of \$11,757,946.35. This would be MPT's rejection damages. Pursuant to 502(b)(6), a landlord's rejection damages are capped at the greater of (i) 1 year's rent or (ii) 15% of the remaining amount due under the lease, not to exceed 3 years rent. According to MPT's calculations, 1 year of rent would be \$4,963,287.76; 3 years of rent would be \$15,287,783.55; the entire lease balance would be \$78,386,308.99; and 15% of the entire balance would be \$11,757,946.35. Therefore, their claim for post-petition rent is properly calculated under 502(b)(6).

2) Pre-petition rent of \$8,246,543.42. This amount just is what it is, and is not capped by 502(b)(6). This is appropriate.

3) Pre-petition penalties of \$186,499.94. The lease gives them the right to assess late penalties, so this is appropriate.

4) Pre-petition expenses, costs and fees of \$94,830.40. The lease gives them the right to recover these costs. While post-petition expenses and costs would not be allowable, pre-petition costs and expenses are appropriate.

5) Notes of \$770,000.00. There were several promissory notes between MPT and Bucks County. Those are separate from the lease and, therefore, the damages are not capped by 502(b)(6). There appear to be balances remaining, so this seems an appropriate damage.

6) Additional development payments of \$4,057,883.00. Separate from the lease, there was a funding agreement between the parties. My understanding is that, if Bucks County had been current on its obligations, this would have been amortized. Because they were in default from the beginning, the funding agreement gave them the right to call this immediately due and owing. Therefore, I think this is appropriate.

7) Construction period rent balance remaining of \$4,878,231.12. This could really be considered additional pre-petition rent. The lease between the parties required Bucks County to pay some reduced rent while the building was being constructed. If there was no default, the construction period rent was also going to be amortized across the life of the lease. However, because a default occurred pre-petition, this amount was declared due and owing. So this, like the pre-petition rent, is part of MPT's damages.

One more issue....I've been told that MPT may have later sold this property. Under Delaware law, I do not think the tenant is entitled to a reduction for the sale of the property....I think the entire claim its still owing, under state law.

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07/09/2021	p young forwarded delaware trustee's stipulations; reviewed and emailed p young it looked good to me; p young made a few comments and emailed them to the delaware trustee; once filed and the order approving them is signed attys will file fee apps -eml				
06/24/2021	tew delaware DSI trustee and counsel re mpt withdrawing claim in dsi delaware case, dsi withdrawing claim in this case, we subroinate claim in delaware case and delware trustee pay duplicate claims in his case and we disallow in this case-eml				
06/24/2021	p young will file objections to duplicate claims trustee in delaware will pay so they do not get paid twice-eml				
06/24/2021	update from p young-As soon as the DE Trustee says they are on board, we need to reach out to MPT and try to resolve their claim amount. Then, once they file the motion to approve the deal, we can file objections to all duplicate claims and file fee apps, so that all of those notice periods are running contemporaneous to the DE motion. If all goes right, we can have fee orders down and claim orders down by the time you get the funds...or very shortly thereafter....so you can start writing checks-eml				
05/03/2021	update from p young:				
	The order got entered approving the settlement in the DSI Delaware case-eml				
04/08/2021	DSI case settled for 52million; p young will prepare motion to allow claims and attach order in DSI case; then file fee app I will file fee app; once money sent case will be ready for tfr-eml				
04/08/2021	requested bill of costs-eml				
03/08/2021	mediation scheduled for 04-06 and 04-7				
02/02/2021	Update from Phillip Young: Status-Claim filed in DE; Last MSJ argued in the DE Bkcy case; Action Item-Awaiting trial schedule				
01/15/2021	p young update-nothing new				
12/31/2020	discuss with Phillip if we apply simple or compound interest-pyoung will research it for Tennessee-eml				
12/08/2020	Update from Phillip Young: Status-Claim filed in DE; Last MSJ argued in the DE Bkcy case; Action Item-Last MSJ order just came out; awaiting trial schedule				
11/10/2020	Update from Phillip Young: Status-Claim filed in DE; Last MSJ argued in the DE Bkcy case; Action Item-Last MSJ order just came out; awaiting trial schedule-nothing new				
10/28/2020	Update from Phillip Young. Status: Claim filed in DE; Last MSJ argued in the DE Bkcy case. Action Item: Per DE trustee, case will be scheduled for trial as soon as last MSJ order is entered (maybe by Dec)				
07/04/2020	Update from Phillip Young: Status-Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Continue monitoring Delaware case				
04/05/2020	Update from Phillip Young: Status-Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Continue monitoring Delaware case; fee app pending				
02/23/2020	reviewing pleadings and responses to prepare for hearing on objection to debtor's claim in Delaware DSI case scheduled for 10 am Tuesday 02/25/20; p young attending hearing in Delaware-eml				
12/18/2019	conference call with attys young and hughes re: amending poc in dsi Delaware bey case and prearing response to objection to bucks county poc-eml				
12/12/2019	an objection filed to the estate's claim filed in Delaware case; p young and trustee looking for local counsel; have spoken to a creditor who suggested financing costs but response is due 01/09/2020 and we have to employ atty in this case so they can be local counsel in Delaware matter on behalf of estate; working on fee arrangement so can file motion to employ Delaware counsel and amend p young motion so both attys are paid the same since working together thye will keep hours etc-eml				
12/09/2019	claim in Delaware case objected to; p young and I spoke to potential counsel; will hire local counsel to represent estate in Delaware claim objection				

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11/11/2019	Phillip Young update: Status-Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Continue monitoring Delaware case (status conferences being held)				
09/14/2019	Update from Phillip Young: Status- Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Continue monitoring Delaware case (status conferences being held)				
08/17/2019	P. Young update - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Continue monitoring Delaware case				
07/03/2019	Phillip Young update: Status - Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item - Continue monitoring Delaware case				
05/13/2019	Update from Phillip Young: Status-Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Awaiting claim objection				
04/16/2019	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Awaiting claim objection				
03/09/2019	Update from Phillip Young. Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Awaiting claim objection				
02/04/2019	Update from Phillip Young: Status-Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item-Awaiting claim objection				
10/10/2018	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Awaiting claim objection				
09/03/2018	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Awaiting claim objection				
08/14/2018	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Depositions scheduled for August; awaiting claim objection				
06/05/2018	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Depositions scheduled for August; awaiting claim objection				
05/02/2018	Phillip Young update-Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Depositions being scheduled; awaiting claim objection				
02/27/2018	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action-Item: Subpoena responses due in March; awaiting claim objection				
11/10/2017	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Nothing further at this time; awaiting claim objection				
10/12/2017	Update from Phillip Young. Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Nothing further at this time; awaiting claim objection				
08/08/2017	Delaware case survived summary judgment; P Young has spoken to atty and trustee for Delaware case; looking to get settlement offers-empl				
08/08/2017	tcw 856 767 3000 Alfred Giuliano -returning call-empl				
06/02/2017	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action: Nothing further at this time; awaiting claim objection				
12/07/2016	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action: Nothing further at this time; awaiting claim objection				
09/06/2016	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action: Nothing further at this time; awaiting claim objection				
07/06/2016	Phillip Young update: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action: Nothing further at this time; awaiting claim objection				
06/07/2016	Phillip Young update; Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Nothing further at this time; awaiting claim objection				
05/02/2016	Update from Phillip Young - Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356) Action Item: Nothing further at this time; awaiting claim objection				
03/29/2016	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action: Nothing further at this time; awaiting claim objection				

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03/01/2016	Phillip Young update: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Action Item: Nothing further at this time; awaiting claim objection				
02/03/2016	Phillip Young update: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
11/01/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
09/25/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
08/24/2015	Update from Phillip Young: Status: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356) Action Item: Nothing further at this time; awaiting claim objection				
07/10/2015	Phillip Young Update: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
06/09/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356) -- Nothing further at this time; awaiting claim objection				
05/03/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356). Nothing further at this time; awaiting claim objection				
04/08/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
03/09/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
02/03/2015	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
11/28/2014	Update from Phillip Young: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
11/03/2014	Phillip Young update: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
10/13/2014	Update from Phillip Young. Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356) Nothing further at this time; awaiting claim objection				
09/10/2014	Phillip Young update: Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
07/31/2014	Update from Phillip Young Claim filed in DE; litigation transferred to DE BK Court in May (Case no. 14-50356); Nothing further at this time; awaiting claim objection				
07/06/2014	Update from Phillip Young: Status=Claim filed in DE. Action= Nothing further at this time; awaiting claim objection				
06/08/2014	Update from Phillip Young: Status: Claim filed in DE. Action Item: Nothing further at this time; awaiting claim objection -dp.				
05/05/2014	Update from Phillip Young. Status: Claim filed in DE. Action Item: Nothing further at this time; awaiting claim objection -dp.				
04/04/2014	Update from Phillip Young: \$151 MM Claim filed in DE Nothing further at this time; awaiting claim objection & outcome of PA litigation -dp.				
01/12/2014	pyoung update: \$151 MM Claim filed in DE. Nothing further at this time; awaiting claim objection & outcome of PA litigation				
09/11/2013	proof of claim filed in delaware b'cy case; now wait for success in case then will disburse funds-empl				
09/09/2013	Update from Phillip Young: Claim filed in DE; File amended claim				
02/07/2013	2/7/2013 Order entered to reopen case. Previous case status: TDR 5/8/2012. -dp.				
01/11/2013	UST filed motion to reopen -dp.				
05/14/2012	check for zero bal and TDR				
04/11/2012	Draft unclaimed funds report to Eva for review -dp.				
	Filed unclaimed funds for claims 5, 54, 55, \$172.41 total -dp.				
12/28/2011	Filed 3010-undistributed funds -dp				
11/07/2011	wellpath and shusterman filed objection and did not file poc; stated in objection i told them wjat to do but they did not do it so cannot resolve without a hearing-asking for attys fees, so no agreed order; continued hearing until 1/20/11-empl				
08/12/2011	tfr submitted to ust 08/11/11 (TFR done by EE)				

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07/28/2011 Filed orders to pay accountant and atty lemeh -dp.
07/06/2011 Filed motions to pay Accountant and Attorney -dp.
10/10/2010 agent val col 3; equip sold during chpt 11; paid creditor vactron per order authorizing payment dated 12/17/09
08/27/2010 There remain two unresolved preference actions. We should be setting trial dates at a pretrial conference today. I anticipate that we will need to serve some discovery before proceeding to trial. We have a decent settlement offer from one defendant but the other defendant claims insolvency. We could resolve these prior to trial, but I am preparing to go forward. I suspect the judge will set these for trial late in the year. - P. Young.
08/25/2010 Tax Returns (2008 & 2009) received, put in docs & sent to Larry Williams -dp.
08/23/2010 8/23/10 sent email to atty for 2008 and 2009 tax returns (for Larry Williams)
08/01/2010 Report of sale filed 7/7/10.
07/22/2010 Filed order to employ Larry Williams 7/19/10. -dp
04/11/10-young settled all but 1 preference/fraud conv case-big one against dr. schuster-paid over 100,000; trying to settle for 90,000 but she is at 20,000; looks like we will have to sue; waiting for auction to close-eml 04/11/10

4.22.09 employed Phillip Young as atty for trustee; preferences; young pursuing collection of preferences

11/03/09 vmail and email to debtor's atty-tail insurance policy

Initial Projected Date Of Final Report (TFR): 05/30/2010

Current Projected Date Of Final Report (TFR): 12/31/2022

/s/ EVA M. LEMEH
EVA M. LEMEH